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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,111	07/27/2000	PASCAL COOREMAN	032326-073	5591

21839 7590 06/12/2006

BUCHANAN INGERSOLL PC  
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)  
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ALEXANDRIA, VA 22313-1404

EXAMINER
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KIM, AHSHIK

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/601,111		COOREMAN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Ahshik Kim		2876	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/29/06 (RCE).
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 6-9 is/are rejected.
- 7) ☒ Claim(s) 2-5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in  
5 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is  
eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)  
has been timely paid, the finality of the previous Office action has been withdrawn pursuant to  
37 CFR 1.114. Applicant's submission filed on March 29, 2006 has been entered.

### *Amendment*

10  
2. Receipt is acknowledged of the amendment filed on March 29, 2006. In the amendment,  
claim 9 was added. Currently, claims 1-9 remain in the examination.

### *Claim Rejections - 35 USC § 102*

15 3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the  
basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on  
20 sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi  
(US 5,365,047, previously cited, hereinafter “Yamaguchi”).

Yamaguchi teaches a card with a microprocessor 1a, a communication device 7a which  
communicates with the external terminal in asynchronous manner; the communication device is

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a UART (Universal Asynchronous Receiver/Transmitter) disposed between the contact p5 and the CPU, a part of a microprocessor (See abstract; col. 3, lines 6+; col. 5, lines 3+). As shown in figure 3, the transmitted data includes a parity bit, and the UART (col. 5, lines 19+) transmits resending signal based on parity bit which indicates whether data transmission was successful or not (col. 9, lines 14+).

### ***Allowable Subject Matter***

5. Claims 2-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. The following is a statement of reasons for the indication of allowable subject matter: although the prior art discloses a smart card that is operating in asynchronous protocol, the prior art of record fails to teach or fairly suggest in combination to disclose all the steps operational process, which includes determining each character from a series of pulse signals, analyzing the characters of the command and supplying a code, etc.

### ***Response to Arguments***

7. Applicant's amended claims and remarks filed on March 29, 2006 have been carefully reviewed and considered, however, it is the Examiner's opinion that the Yamaguchi patent discloses the subject matter recited in the rejected claims at least on following grounds.

First, amended claim 1, although the phrase "and operating according to an asynchronous communication protocol to check" is deleted, the steps recited in lines 4-8 of claim 1 amount to

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asynchronous mode. Asynchronous communication mode refers that one device sends a signal and the responding device returns the signal in response to original signal.

Second, Applicant points out “Yamaguchi patent at column 2, lines 8-10, discloses that the microcomputer “includes” functions corresponding to the CPU, the ROM, the RAM, “and  
5 the input/output circuit y...” Applicant then infer that UART 7a is “included” in the microcomputer. Examiner respectfully disagrees. Microcomputer 20 includes “functions” of the each hardware/circuit components, namely CPU, ROM, RAM and UART. However, one can infer that the microcomputer actually includes the CPU, ROM, RAM and UART. Moreover, microcomputer 20 is not the same as CPU 1 the Examiner relies on. Relying on figures 1, 5, and  
10 7, the communication device 7 is disposed between the CPU 1 and the contact p5. The microcomputer 20 (col. 2, lines 12+) appears to be an unit which comprises hardware/software which may includes CPU and UART. However, Examiner’s rejection is not relying on this particular embodiment.

15 ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

20 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

25 Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

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*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available for Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions or access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.



Ahshik Kim  
Primary Examiner  
Art Unit 2876  
June 6, 2006